



Aviatel, Inc.  
Comments On  
3G Further Notice of Proposed Rule Making

Dockets 00-258, 95-18, 99-81

Aviatel, Inc. thanks the Commission for the opportunity to comment on the options with respect to allocation of additional spectrum for 3G and other wireless services. As a small business, Aviatel does not have the financial resources to participate in the Commission's BTA or larger spectrum auctions and as a result we are not in a position to comment on the question of allocations in the major DoD or ITFS bands being considered. We are much more interested, however, in the Unlicensed PCS band between 1910 and 1930MHz.

Aviatel's primary business is deployment of Direct TV and Cable equipment to subscribers in the Carolinas. In our business, we have become aware of many unmet needs for communications services, particularly in the lower income parts of the communities that we serve.

Aviatel has a desire to introduce new services to our customers and to expand our small business through the provision of basic, local telephone service to serve our existing markets with an alternative to Incumbent Local Exchange Carrier service. We believe that a small scale wireless system would allow us to cost effectively cover the last mile to reach our potential subscribers. Deployment of a Mobile Local Loop system would provide our subscribers with improved telephone service and would also allow them to afford a mobile service that covers the areas where they typically live and work. Because many of our subscribers are recent immigrants in minority communities, they generally lack the credit history and financial resources to subscribe to traditional Cellular or PCS service. Some do not subscribe to local telephone service either due to the high cost of installation as well as due to credit requirements there as well. Aviatel would like to provide these individuals with a wireless connection, useful only while they were in their local neighborhoods, that will allow them much of the benefit that they would get from traditional wireless service at prices we would set comparably to existing wired carrier service.

In looking for alternative technologies that can allow Aviatel to provide service, we have concluded that an ideal system to provide this type of service would be something that was in high volume production somewhere in the world and that we could install and maintain using our existing staff. With respect to spectrum availability, Aviatel believes that a solution that could best facilitate our business would be one that allowed use of spectrum on a neighborhood basis. In looking at spectrum licensing in the past, we believe that the geographic size of the license areas in previous auctions (BTA, MTA, RSA) has been far too large to allow companies like Aviatel to obtain very local spectrum to provide very local service. Instead, leaving the spectrum as unlicensed and changing the rules to allow deployment of community wide networks based on internationally standard air interfaces, can allow Aviatel and companies like us to provide local phone service, with limited mobility, as an alternative to the Bell South wired service.

As we expressed in earlier comments on UTStarcom's Petition for Rulemaking, RM-10024, Aviatel believes that UTStarcom's PHS based solution can allow us to provide excellent service to our existing subscribers as well as to potential subscribers who otherwise would not be able to afford their own phone. Many individuals in the markets we serve move frequently and live in relatively crowded conditions. Offering a personal, limited area, mobile phone to these individuals will allow them to make and receive calls, as well as to avoid the rather high charges associated with installation of wired telephone service. UTStarcom's solution, which works with inexpensive Central Office or PBX equipment is installable and maintainable by our existing staff and can be deployed very rapidly. Should the service prove as successful as we believe, we will also have the opportunity to add to our staff and grow our business.

Aviatel supports the proposal in this Further Notice of Proposed Rule Making that will relax the etiquette requirements in the 1910 – 1930MHz band to allow us to deploy widely available, inexpensive equipment based on PHS technology into our markets at prices that subscribers can afford. Leaving the spectrum as unlicensed and leaving the requirement that systems be "coordinatable", as required by the current Unlicensed PCS rules would allow for easy deployments while keeping the spectrum useful for community wide applications.